

BEFORE THE DEPARTMENT OF AGRICULTURE
OF THE STATE OF MONTANA

In the matter of the proposed)	NOTICE OF PUBLIC HEARING ON
amendment of ARM 4.14.303 and)	PROPOSED AMENDMENT AND
4.14.305, and repeal of ARM 4.14.304)	REPEAL
relating to Montana agricultural loan)	
authority)	

TO: All Concerned Persons

1. On October 2, 2008, at 3:00 p.m., the Montana Department of Agriculture will hold a public hearing in Room 225 of the Scott Hart Building, 303 N. Roberts at Helena, Montana, to consider the proposed amendment and repeal of the above-stated rules.

2. The Department of Agriculture will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Agriculture no later than 5:00 p.m. on September 25, 2008, to advise us of the nature of the accommodation that you need. Please contact Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Phone: (406) 444-3144; Fax: (406) 444-5409; or e-mail: agr@mt.gov.

3. The rules as proposed to be amended provide as follows, stricken matter interlined, new matter underlined:

4.14.303 LOAN MAXIMUMS (1) Maximum amounts which may be loaned to a beginning farmer/rancher are:

- (a) No more than an aggregate of ~~\$250,000~~ \$450,000 may be used to purchase agricultural land, agricultural improvements, and depreciable agricultural property; and
- (b) remains the same.

AUTH: 80-12-103, MCA

IMP: 80-12-103, MCA

REASON: The 2008 United States Farm Bill increased the maximum real property loan limits from \$250,000 to \$450,000. This limit is regulated by the U.S. Internal Revenue Service, hence, the department needs to adjust the rules to correctly reflect the current loan limit.

4.14.305 APPLICANT ELIGIBILITY (1) Basic program applicant eligibility requirements are:

- (a) ~~The beginning farmer/rancher may not have a net worth in excess of \$250,000;~~
- (b) through (e) remain the same but are renumbered (a) through (d).

AUTH: 80-12-103, MCA
IMP: 80-12-203, 80-12-204, MCA

REASON: The net worth requirement is listed in statute; therefore, there is no need for it to be in the rule.

4. The department proposes to repeal the following rule:

4.14.304 LOAN MINIMUMS

AUTH: 80-12-103, MCA
IMP: 80-12-103, MCA

REASON: The Beginning Farm/Ranch loan program does not have a minimum loan amount requirement and therefore needs to repeal the rule.

5. Concerned persons may submit their data, views, or arguments concerning the proposed actions orally or in writing at the hearing. Written data, views, or arguments may also be submitted to Cort Jensen at the Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov. Any comments must be received no later than October 9, 2008.

6. The Department of Agriculture maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name, e-mail, and mailing address of the person and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to Montana Department of Agriculture, 303 North Roberts, P.O. Box 200201, Helena, MT 59620-0201; Fax: (406) 444-5409; or e-mail: agr@mt.gov or may be made by completing a request form at any rules hearing held by the Department of Agriculture.

7. An electronic copy of this Notice of Public Hearing on Proposed Amendment and Repeal is available through the department's web site at www.agr.mt.gov, under the Administrative Rules section. The department strives to make the electronic copy of the Notice conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the department strives to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

8. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

DEPARTMENT OF AGRICULTURE

/s/ Ron de Yong

Ron de Yong, Director

/s/ Cort Jensen

Cort Jensen, Rule Reviewer

Certified to the Secretary of State, September 2, 2008.